

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>SAMUEL HOUSTON</b>	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>CASE NUMBER 1:06-cv-243-MEF</b>
	)	
<b>ARMY FLEET SERVICES, L.L.C.,</b>	)	<b>(JURY DEMAND)</b>
<b>Defendant</b>	)	

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**PLAINTIFF'S UNOPPOSED MOTION TO CONTINUE  
SUMMARY JUDGMENT RESPONSE SCHEDULING ORDER**

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**COMES NOW** the Plaintiff to respectfully request that this Court amend its April 6, 2007 Order to extend the April 19, 2007 deadline for his Reply to the Defendants' dispositive motion for three weeks to May 10, 2007. As grounds, the Plaintiff states as follows:

- 1) The Court entered issued a Rule 16(b) Scheduling Order on May 3, 2006 which established the dispositive motion deadline as March 19, 2007.
  
- 2) The defendant requested and received a 30 day extension of time to file its dispositive motion citing the need to complete crucial discovery and the agreements made by the parties' to resolve discovery issues. The Defendants submitted their dispositive motion on April 2, 2007. The Court ordered the plaintiff to file his response by April 19, 2007.
  
- 4) The Defendant requested an extension of time to provide responses to the Plaintiff's discovery requests, citing difficulty in obtaining the requested information. Plaintiff agreed to this request with the stipulation that Defendant would agree, if necessary, to an extension of time for his summary judgment response in order to permit examination of the discovery material to be provided.
  
- 5) The Defendant provided partial discovery responses on March 30, 2007

and further supplemented these partial responses on April 4, 2007. The Defendant objected to some of the Plaintiff's discovery requests, and responded to others by stating that the requested information "will be provided."

6) The parties conferred on this date, and the Defendant has promised to provide the requested discovery materials to the Plaintiff by the end of this week. The parties were successful in resolving some of Defendant's objections, and agreed to confer again on those matters still in dispute after the Plaintiff had an opportunity to examine the material that is to be produced this week.

7) The Defendant has no objection to continuance of the deadline for response to their dispositive motion. Thus, neither party will be prejudiced in granting an extension.

8) Accordingly, the plaintiff respectfully requests this Court extend the deadline for her response to the dispositive motion to May 10, 2007.

WHEREFORE, above premises considered, Plaintiff respectfully requests this Court amend its Scheduling Order and extend the deadline for his Response to the Defendants' dispositive motion to May 10, 2007.

Respectfully submitted this 9<sup>th</sup> day of April 2007.

/S/ JIMMY JACOBS

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using CM/ECF system and service will be perfected upon counsel of record following this the 9<sup>th</sup> day of April, 2007.

/s/JIMMY JACOBS

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